



December 2011

SORNA Substantial Implementation Review Kickapoo Tribe of Oklahoma

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the Kickapoo Tribe of Oklahoma for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of the Kickapoo Tribe of Oklahoma's SORNA substantial implementation packet and has found that the Kickapoo Tribe of Oklahoma has substantially implemented SORNA.

On April 8, 2011, the Kickapoo Tribe submitted a substantial implementation package that included several exhibits, including background information on the tribe and its criminal justice system, courts, and police department; policies and procedures regarding sex offender registration; the tribe's sex offender registration law; and other relevant additional laws. They provided forms and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with Rochelle Murdock, Court Administrator, Kickapoo Tribal Court, filled in gaps in information and procedure, which informed our review.¹

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 relevant sections addressing the SORNA requirements. Under each section, we indicate that the Kickapoo Tribe meets the SORNA requirements of that section.

I. Immediate Transfer of Information

The Kickapoo Tribe meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

The Kickapoo Tribe meets all of the SORNA requirements in this section.

III. Tiering of Offenses

¹The SMART Office had email and phone correspondence with Rochelle Murdock, Court Administrator, Kickapoo Tribal Court since late 2009.

The Kickapoo Tribe meets all of the SORNA requirements in this section.

IV. Required Registration Information

The Kickapoo Tribe meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Kickapoo Tribe meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Kickapoo Tribe meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Kickapoo Tribe meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The Kickapoo Tribe meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

The Kickapoo Tribe meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

The Kickapoo Tribe meets all of the SORNA requirements in this section.

XI. Community Notification

The Kickapoo Tribe meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Kickapoo Tribe meets all of the SORNA requirements in this section.

XIII. When a Jurisdiction has Information that a Sex Offender may have Absconded

The Kickapoo Tribe meets all of the SORNA requirements in this section.

XIV. Other Considerations

The Tribe's substantial implementation submission followed the Model Code very closely and their policy and procedures were updated and generally follow the SMART Office guidance document. The only two issues remaining are; first, how employees are notified of their obligation to register, the Kickapoo tribe relies on background checks and ensures that they do check convictions by tribal courts to make sure that an employee does not have a sex offense conviction, although, the SMART Office prefers that the sex offender registry program be involved in setting the standard for notice to employees, their procedure does not disserve SORNA requirements. Secondly, the tribe has not made contact with local, state or federal prisons to make sure they are notified of prisoners leaving to come live on Kickapoo land. Since the corrections facilities should be doing this notification, the tribe's lack of outreach does not affect their implementation status. However, it is advisable that Kickapoo Tribe do this outreach so that they are not surprised if an offender shows up to register and so that the seamless web of information on sex offenders is not broken.

Conclusion

The Kickapoo Tribe of Oklahoma has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.